

Appl. No. : 09/991,433
Filed : November 16, 2001

REMARKS

Presently, Claims 44-74 are pending in the application. Applicants have now cancelled Claims 58 and 74, amended Claims 44-46, 57, and 59-61, without prejudice, and present the following remarks.

Drawings

The Examiner has indicated that corrected drawings are required in this application. Applicants have discussed this issue with the Examiner in a telephone call on December 9, 2003, wherein the Examiner agreed that the objection to Figure 9, with respect to the consistency of the Roman numerals in the figure and the description of the figure in the specification, was misplaced. The Examiner requested that Applicants make note of the conversation in the subject response to the Office Action.

Specification

As discussed above, the Examiner has objected to the consistency of labeling of Figure 9 with the description on the relevant pages of the specification. Applicants point out that unlike Figure 8, which refers to peptide pools numbered 1-8, Figure 9 refers to specific individual peptides, which are described in Table 7 as Peptides I-VIII. (*See pages 27 and 28 of the specification*). Both Figure 9 and the description found in Table 7 and on page 28 of the specification refer to the QQY-containing peptides by Roman numerals. Accordingly, Figure 9 and the description are indeed consistent and the objection to Figure 9 should be withdrawn.

Claim Objections

The Examiner has objected to Claims 45, 46, 57, 58, 60, and 61 for informalities. The Examiner has also objected to Claim 58 as being a substantial duplicate of Claim 46. Applicants have amended Claims 45, 46, 57, 60, and 61 and have cancelled Claim 58 in accordance with the suggestions made by the Examiner. Accordingly, Applicants submit that Claims 45, 46, 57, 60, and 61 are now in condition for allowance.

Rejections under 35 U.S.C. § 112, ¶ 1

The Examiner has maintained the prior rejection of Claims 1, 2, 4, 7, 8, 18, 19, 21, 24 and 25 under 35 U.S.C. § 112, ¶ 1 for lack of written description support and enablement. Although Claims 1, 2, 4, 7, 8, 18, 19, 21, 24 and 25 are no longer pending in the application, the Examiner has extended the rejection to Claim 74. The Examiner states, however, that the written description and enablement rejections do not pertain to Claims 44-73. In an effort to expedite allowance of the application, Applicants have cancelled Claim 74, without prejudice, but reserve the right to prosecute claims directed to this subject matter in continuing applications.

The Examiner has also rejected Claims 44-46, 57-61, and 72-74 for lack of written description and enablement because, according to the Examiner, the claims read-on the use of any VP1 or VP2 protein rather than B19 parvovirus VP1 or VP2 proteins. Applicants have amended the claims to require that B19 parvovirus capsid agents are used. Accordingly, Applicants respectfully request that the new rejections under 35 U.S.C. §112 be withdrawn.

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Double Patenting

The Examiner has provisionally rejected Claims 45, 46, 58, 60, and 61 for obviousness-type double patenting over Claims 23-24, 28, 29, 32-34 of co-pending Application No. 10/200,616. Applicants submit herewith a terminal disclaimer to overcome the double patenting rejection.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is now in condition for allowance and such action is earnestly solicited. The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Eric S. Furman at (619) 687-8643 (direct line), to resolve such issue promptly.

No fees are seen as being necessary for the filing of this paper. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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